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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,606	08/25/2003	Richard Harvey	063170.6701	4231
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BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			EXAMINER LEWIS, ALICIA M	
			ART UNIT 2164	PAPER NUMBER
			NOTIFICATION DATE 09/01/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/648,606	Applicant(s) HARVEY ET AL.	
	Examiner Alicia M. Lewis	Art Unit 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/15/09 and 8/11/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In view of the Pre-Appeal Brief filed on June 15, 2009, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below. If an appellant wishes to reinstate an appeal after prosecution is reopened, appellant must file a new notice of appeal in compliance with 37 CFR 41.31 and a complete new appeal brief in compliance with 37 CFR 41.37. Any previously paid appeal fees set forth in 37 CFR 41.20 for filing a notice of appeal, filing an appeal brief, and requesting an oral hearing (if applicable) will be applied to the new appeal on the same application as long as a final Board decision has not been made on the prior appeal. If, however, the appeal fees have increased since they were previously paid, then appellant must pay the difference between the current fee(s) and the amount previously paid. Appellant must file a complete new appeal brief in compliance with the format and content requirements of 37 CFR 41.37(c) within two months from the date of filing the new notice of appeal. See MPEP § 1205.

No claim amendments have been filed since the final rejection mailed March 17, 2009. Claims 1-10 remain pending in this application.

Information Disclosure Statement

1. The information disclosure statements (IDS) submitted on June 15, 2009 and August 11, 2009 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims represent an abstract idea, directed solely to non-functional descriptive material. When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement (See MPEP 2106.01). Claim 1 further recites a processor configured to execute a program of instructions. However, the specification provides no support for the recited processor, or for a web services directory comprising a processor. The specification explicitly recites that a directory includes X.500, LDAP and similar technologies (paragraph 67 of the PG-PUB), which do not represent hardware elements. As such, the directory of claims 1-6 is not limited to tangible embodiments.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gadbois et al. (US Patent Application Publication 2004/0002955 A1) ('Gadbois') in view of Hacherl et al. (US 7,200,869 B1, filing date 09/15/2000) ('Hacherl').

With respect to claim 1, Gadbois teaches a web services directory comprising:
a computer readable medium (paragraph 8); and
a processor, the processor configured to execute a program of instructions encoded on the computer-readable medium, the program of instructions comprising (paragraphs 5 and 21):

at least one business entity object (elements 232, 242, 252 in Figure 2, paragraphs 28-29); and

at least one user object, wherein the at least one business entity object is arranged under the at least one user object (elements 222 and 224 in Figure 2, paragraphs 27 and 28).

Although Gadbois teaches that a repository stores access privileges (paragraph 24), he does not explicitly teach wherein the at least one user object comprises security information defining what objects a user has access to in a hierarchical directory, and wherein the at least one user object grants access to the user based on the security information.

Hacherl teaches a system and method for protecting domain data against unauthorized modification (see abstract), in which he teaches wherein the at least one

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user object comprises security information defining what objects a user has access to in a hierarchical directory (column 6 lines 30-36, column 9 lines 14-39), and wherein the at least one user object grants access to the user based on the security information (column 10 lines 26-28).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Gadbois by the teaching of Hacherl because wherein the at least one user object comprises security information defining what objects a user has access to in a hierarchical directory, and wherein the at least one user object grants access to the user based on the security information would enable secure access to shared objects and resources (Hacherl, column abstract; Gadbois, paragraph 24).

With respect to claim 2, Gadbois as modified teaches the web services directory as recited in claim 1, further comprising:

at least one business service object (Gadbois, element 243 in Figure 2, paragraph 28); and

at least one binding template object (Gadbois, element 245 in Figure 2, paragraph 28), wherein the at least one business service object is arranged under the at least one business entity object, and the at least one binding template object is arranged under the at least one business service object (Gadbois, Figure 2).

With respect to claim 3, Gadbois as modified teaches the web services directory as recited in claim 1, wherein the at least one business entity object is arranged under the at least one user object by virtue of at least one corresponding user child object (Gadbois, elements 222, 232, 242 and 252 in Figure 2, paragraphs 26-28).

With respect to claim 4, Gadbois as modified teaches the web services directory as recited in claim 1, further comprising at least one domain object, wherein the at least one user object is arranged under the at least one domain object (Gadbois, elements 170 and 210 in Figure 2, paragraph 24, paragraph 26, paragraph 27 lines 1-4).

With respect to claim 5, Gadbois as modified teaches the web services directory as recited in claim 1, further comprising apparatus adapted to implement the web services directory, and in which directory services are invoked (Gadbois, paragraphs 21-25).

With respect to claim 6, Gadbois as modified teaches the web services directory as recited in claim 5, wherein the directory services are invoked using at least one of X.500 and LDAP protocols (Gadbois, paragraph 24 lines 8-12, paragraph 26 lines 10-11).

With respect to claim 7, Gadbois teaches a web services system comprising:

a registry (paragraph 5 lines 19-25) in which businesses may register, the registry comprising a hierarchical directory including at least one business entity object (element 232 in Figure 2) and at least one user object (element 222 in Figure 2), the at least one business entity object being arranged under the at least one user object (Figure 2, paragraphs 25-28); and

a storage system for storing business information and accessible via the hierarchical directory (paragraphs 23, 24 and 26).

Although Gadbois teaches that a repository stores access privileges (paragraph 24), he does not explicitly teach wherein the at least one user object comprises security information defining what objects a user has access to in the hierarchical directory, and wherein the at least one user object grants access to the user based on the security information.

Hacherl teaches a system and method for protecting domain data against unauthorized modification (see abstract), in which he teaches wherein the at least one user object comprises security information defining what objects a user has access to in the hierarchical directory (column 6 lines 30-36, column 9 lines 14-39), and wherein the at least one user object grants access to the user based on the security information (column 10 lines 26-28).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Gadbois by the teaching of Hacherl because wherein the at least one user object comprises security information defining what objects a user has access to in a hierarchical directory, and wherein the at least one

user object grants access to the user based on the security information would enable secure access to shared objects and resources (Hacherl, column abstract; Gadbois, paragraph 24).

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gadbois et al. (US Patent Application Publication 2004/0002955 A1) ('Gadbois') in view of Martinez et al. (US 7,296,061 B2, filing date 11/21/2001) ('Martinez').

With respect to claim 7, Gadbois teaches a web services system comprising:
a registry (paragraph 5 lines 19-25) in which businesses may register, the registry comprising a hierarchical directory including at least one business entity object (element 232 in Figure 2) and at least one user object (element 222 in Figure 2), the at least one business entity object being arranged under the at least one user object (Figure 2, paragraphs 25-28); and

a storage system for storing business information and accessible via the hierarchical directory (paragraphs 23, 24 and 26).

Although Gadbois teaches that a repository stores access privileges (paragraph 24) and accessing objects in the hierarchical directory (paragraph 25), he does not explicitly teach wherein the at least one user object comprises security information defining what objects a user has access to, and wherein the at least one user object grants access to the user based on the security information.

Martinez teaches a distributed web services network architecture (see abstract), in which he teaches wherein the at least one user object comprises security information defining what objects a user has access to, and wherein the at least one user object grants access to the user based on the security information (column 7 lines 44-60, column 10 lines 47-52).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Gadbois by the teaching of Martinez because wherein the at least one user object comprises security information defining what objects a user has access to, and wherein the at least one user object grants access to the user based on the security information would enable secure access to network objects and resources (Martinez, column 10 lines 47-52; Gadbois, paragraph 24).

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perkins et al. (US 2004/0204958 A1, priority date 8/30/2000) ('Perkins') in view of Martinez et al. (US 7,296,061 B2, filing date 11/21/2001) ('Martinez').

With respect to claim 8, Perkins teaches a web services system (abstract) comprising:

a registry in which businesses may register, the registry comprising a hierarchical directory (paragraphs 9 and 35), comprising:

at least one domain object (*i.e. web domain*) (paragraphs 40, 55 and 61), wherein the at least one domain object comprises a directory prefix name (paragraph

33), and the at least one domain object is a root object of the hierarchal directory (paragraph 61);

at least one user object (*i.e. cooperate user*) (paragraph 61), wherein the at least one user object identifies a user account for managing at least one business entity object (paragraph 63) arranged under the at least one user object (paragraphs 65-66), and the at least one user object is arranged under the at least one domain object (paragraph 61);

the at least one business entity object comprising at least one business name and at least one business contact (paragraphs 61 and 62), the at least one business contact comprising at least one business address (paragraphs 61 and 62).

a storage system for storing business information and accessible via the hierarchical directory (paragraph 76).

Although Perkins teaches that users create login profiles (paragraph 65) and a user accessing objects in a hierarchical directory (paragraph 35), he does not explicitly teach wherein the at least one user object comprises security information defining what objects a user has access to in the hierarchical directory, and wherein the at least one user object grants access to the user based on the security information.

Martinez teaches a distributed web services network architecture (see abstract), in which he teaches wherein the at least one user object comprises security information defining what objects a user has access to, and wherein the at least one user object

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grants access to the user based on the security information (column 7 lines 44-60, column 10 lines 47-52).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Gadbois by the teaching of Martinez because wherein the at least one user object comprises security information defining what objects a user has access to, and wherein the at least one user object grants access to the user based on the security information would enable secure access to network objects and resources (Martinez, column 10 lines 47-52).

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perkins et al. (US 2004/0204958 A1, priority date 8/30/2000) ('Perkins') in view of Hacherl et al. (US 7,200,869 B1, filing date 09/15/2000) ('Hacherl').

With respect to claim 8, Perkins teaches a web services system (abstract) comprising:

a registry in which businesses may register, the registry comprising a hierarchical directory (paragraphs 9 and 35), comprising:

at least one domain object (*i.e. web domain*) (paragraphs 40, 55 and 61), wherein the at least one domain object comprises a directory prefix name (paragraph 33), and the at least one domain object is a root object of the hierarchal directory (paragraph 61);

at least one user object (*i.e. cooperate user*) (paragraph 61), wherein the at least one user object identifies a user account for managing at least one business entity object (paragraph 63) arranged under the at least one user object (paragraphs 65-66), and the at least one user object is arranged under the at least one domain object (paragraph 61);

the at least one business entity object comprising at least one business name and at least one business contact (paragraphs 61 and 62), the at least one business contact comprising at least one business address (paragraphs 61 and 62).

a storage system for storing business information and accessible via the hierarchical directory (paragraph 76).

Although Perkins teaches that users create login profiles (paragraph 65), he does not explicitly teach wherein the at least one user object comprises security information defining what objects a user has access to in the hierarchical directory, and wherein the at least one user object grants access to the user based on the security information.

Hacherl teaches a system and method for protecting domain data against unauthorized modification (see abstract), in which he teaches wherein the at least one user object comprises security information defining what objects a user has access to in the hierarchical directory (column 6 lines 30-36, column 9 lines 14-39), and wherein the at least one user object grants access to the user based on the security information (column 10 lines 26-28).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Perkins by the teaching of Hacherl because wherein the at least one user object comprises security information defining what objects a user has access to in a hierarchical directory, and wherein the at least one user object grants access to the user based on the security information would enable secure access to shared objects and resources (Hacherl, column abstract).

8. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkins et al. (US 2004/0204958 A1, priority date 8/30/2000) ('Perkins') in view of Hacherl et al. (US 7,200,869 B1, filing date 09/15/2000) ('Hacherl'), as applied to claim 8 above, and further in view of Murto et al. (US Patent Application Publication 2004/0213409 A1) ('Murto').

With respect to claim 9, Perkins in view of Hacherl teaches:

at least one business service object, wherein the at least one business service object comprises data identifying a technical service (*i.e. piano repair*), and the at least one business service object is arranged under the at least one business entity object (Perkins, Figs. 6B and 6C, paragraphs 56-57).

Perkins in view of Hacherl does not teach at least one binding template object, wherein the at least one binding template object comprises data identifying a plurality of service specifications, and the at least one binding template object is arranged under the at least one business service object.

Murto teaches a service discovery access to user location (see abstract), in which he teaches:

at least one business service object, wherein the at least one business service object comprises data identifying a technical service, and the at least one business service object is arranged under the at least one business entity object (paragraphs 53-54, 59 and 61); and

at least one binding template object, wherein the at least one binding template object comprises data identifying a plurality of service specifications, and the at least one binding template object is arranged under the at least one business service object (paragraphs 54-55, 59 and 62).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have further modified Perkins by the teaching of Murto because a binding template object would enable a UDDI registry defined in an XML schema of hierarchical relationships to be used for describing business information service information, binding information and information about specifications and services (Murto, paragraph 59). Furthermore, the combination would enable geographically focuses UDDI search, and thus provide a user with business/service information in a region or location relating to the user's location (Murto, paragraphs 11-12).

With respect to claim 10, Perkins as modified teaches the web services directory as recited in claim 9, the hierarchical directory further comprising at least one tmodel object, wherein the at least one tmodel object comprises a keyed reference to the at least one binding template object (Murto, paragraphs 55-56, 59 and 63), and the at least one tmodel object is arranged under the at least one user object (Murto, paragraphs 53-56; Perkins, paragraphs 61-62) (*Perkins teaches that a business entity is arranged under a user object. Murto teaches that a tmodel object has a reference to the binding template object, and further that a tmodel object is arranged under a business entity.*)

Response to Arguments

9. Applicant's arguments with respect to claim 10 have been considered but are moot in view of the new ground(s) of rejection.

10. Applicant argues Hacherl does not teach “a registry in which businesses may register...comprising...at least one user object, wherein...the at least one user object comprises security information defining what objects a user has access to in the hierarchical directory.” However, Applicant is arguing the references individually and not looking at the combination of the references. Perkins teaches a registry in which businesses may register (paragraphs 9 and 35), and also teaches a user object that identifies a user account (paragraph 61). The Examiner acknowledges that Perkins does not teach that the user object comprises security information defining what objects a user has access to in the hierarchical directory, and uses Hacherl to teach this limitation. Hacherl teaches a user object comprising security information defining what

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objects a user has access to in a hierarchical directory (column 6 lines 30-36, column 9 lines 14-39). Thus, the combination of Perkins and Hacherl teaches the above argued limitation. Furthermore, the Examiner would like to note that Perkins in view of Martinez was also used to reject the above argued limitation.

11. The 35 U.S.C. 101 rejection of claims 1-6 is upheld. Applicant argues that claim 1 does impart functionality. Examiner disagrees. Claim 1 only defines the structural organization of objects in a computer. There are no elements of the claim that cause the program's functionality to be realized. The claim is still only directed to non-functional descriptive material that does not impart any functionality to a computer or system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Lewis whose telephone number is 571-272-5599. The examiner can normally be reached on Monday - Friday, 9 - 6:30, alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. M. L./
Examiner, Art Unit 2164
August 24, 2009

/Charles Rones/
Supervisory Patent Examiner, Art Unit 2164